

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

RANDALL J. KEYSTONE,
Plaintiff,

v.

DR. B. MULLINS, et al.,
Defendants.

)
)
)
)
)
)
)

Civil Action No. 7:15cv00327

ORDER

By: Norman K. Moon
United States District Judge

This matter is before me on Randall J. Keystone's motion pursuant to Federal Rule of Civil Procedure 59(e) asking me to reconsider my opinion and order dismissing his 42 U.S.C. § 1983 action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim. Rule 59(e) of the Federal Rules of Civil Procedure allows a court to alter or amend a judgment. Relief under Rule 59(e) is appropriate "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available [previously]; or (3) to correct a clear error of law or prevent manifest injustice." *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1988). Keystone's motion does not satisfy any of the grounds for Rule 59(e) relief, and having reviewed his motion and pertinent portions of the record, I remain convinced that the action was properly dismissed. Accordingly, it is hereby **ORDERED** that Keystone's motion for reconsideration (Docket No. 28) is **DENIED**. Keystone is reminded that the dismissal of his case was without prejudice to his opportunity to refile his claims in a separate action.

The Clerk is directed to send a copy of this order to the parties.

ENTER: This 16th day of May, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE